

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, March 10, 2010, at 1:00 p.m. in Committee Room #2, City Hall South, 2<sup>nd</sup> Floor.

**Present:** Councilmember Adrean, Chair  
 Councilmember Felicia A. Moore  
 Councilmember C.T. Martin  
 Councilmember Alex Wan  
 Councilmember Aaron Watson  
 Councilmember H. Lamar Willis

Roosevelt Council, Acting CFO  
 Departmental Staff

**Absent:** Councilmember Howard Shook

Chairperson Adrean called the meeting to order at 1:10 p.m. after declaring a quorum present. The Committee members present were introduced as follows: Councilmembers Felicia A. Moore, C.T. Martin, Alex Wan, Aaron Watson and H. Lamar Willis. Other Departmental staff was present as well.

The Agenda was adopted as printed.

The minutes of the Finance/Executive Committee's meeting held February 24, 2010 were adopted as well.

### **DISCUSSION ITEMS**

#### **LEGISLATIVE UPDATE - MS. MEGAN MIDDLETON, INTERGOVERNMENTAL MANAGER**

**Ms. Megan Middleton:** Mayor's Office Intergovernmental Affairs Manager addressed the Committee by stating that the House State Hearing Committee had planned a meeting regarding Milton County, but it was cancelled. They were to meet on the Governor's Transportation Bill, but it was pushed back. There are a couple of Bills of interest; the School Board Election, the MOST and Zoning of Pawn Shops legislation were introduced. Chairperson Adrean asked who is sponsoring it. Ms. Middleton responded State Representative Rashad Taylor. He has the draft and is still working on it. Chairperson Adrean asked how can we help? Ms. Middleton responded that she would inform the Committee when they need assistance, but it does not have a Bill number yet. Councilmember Willis stated that there were discussions regarding Milton County. Are there specific groups lobbying for the creation? Ms. Middleton responded that the City is against it. Elected officials from that area are the ones going forward and DeKalb County is interested in it. A full list will be provided. **SB 308** regarding carrying and possessing weapons in public gathering places has been amended in the Committee and reopens the discussion to allow guns to be brought into public places. **HB 903** has passed out of the House and is in the Senate. It should move on from there. Councilmember Moore asked when is the next Milton County Session? Ms. Middleton responded tomorrow at 9:30 a.m. The Senate Committee has voted on it. The weapons bill in public gathering places is allowed, but it is putting in other exemptions from bringing in guns. It has to be in certain places. Chairperson Adrean asked if anyone is working against it. Ms. Middleton responded that there are a lot of concerns.

#### **TO SUBMIT THE PERFORMANCE AUDIT**

10-C-0413 (1) A Communication by City Auditor Leslie Ward submitting the Performance Audit; Implementation of Audit Recommendations Report.

**FILE**

**Ms. Leslie Ward:** Internal Auditor addressed the Committee by stating that in February a report was issued for Audit recommendations. Audit follow up is an important part of management. We have issued over 500 audit recommendations over the last eight years. They were done under contract, but are still our responsibility. We have closed over 150 Audits. They have overlapped and we have consolidated some. They were relevant for a certain period of time. We have about 400 ongoing recommendations. Over half have been closed. A small number was closed because of management disagreement. We have a small section that needs to be followed up. We have listed them by report, which are Watershed Management, Finance, Aviation and existing technology and Oracle. This report will follow up on 54 recommendations for eight Departments. We will start on Aviation later this spring. There are twelve recommendations that have no actions at all. Three are federal regulation compliances, which includes labor, proper classification for employees of the City whether they are a contractor or not as well as tax benefits to employees. Also whether the use of wireless devices and City vehicles can be taxable to the employee, but the Employer has some risks. Chairperson Adrean asked if the Department of Human Resources is all closed. Ms. Ward responded that one of the benefits did fall under HR for the reimbursement of employee mileage reimbursement. They are implemented in Payroll, not HR. We had to make a judgment call where they would fall. In the report, it shows that it has not been addressed because it is under the Law Department. They have communicated a reasonable plan. The HR Department closed the ones that were under the payroll process with Oracle regarding whether there was accurate reporting and various types of leave. Each box has a certain history. We looked at City Councilmembers individual account expenditures. They were controversial and we had individual responses. Seven Councilmembers and the President agreed with the recommendations. Largely the recommendations have not been addressed. Councilmember Moore stated that she had this on the list of issues since the last Retreat. This is an issue Council has to address. She can't give a timeline. Some of the issues we are working through with the Budget process. She will make sure that it is brought up. Ms. Ward responded that the major issues of the audit are devoted to management. We are somewhat independent of the Council. It is an unusual practice. Councilmember Moore stated that she is not using the excuse of being the legislative body. We have to be held responsible and held to the same standards. Ms. Ward responded that we will devote attention to following up. If the recommendations are agreed upon, Audit will follow up on it. If there is a change of direction of leadership, we will take account of that. Councilmember Wan asked for a copy of the Audit. Ms. Ward responded that she would provide it. She has sent out electronic copies. Councilmember Martin asked where is the Court's audit? Ms. Ward responded that we have not begun the audit and doubt if we will until the next fiscal year. The audit staff is 30% less than a few years ago. We are trying to balance the demands. We distributed a memo yesterday regarding the Change Order for contractors. We suggested looking at the Change Order payments and determined if we saw gaps that were justifiable. It is not her decision, but we have recommendations. Chairperson Adrean offered a motion to **File, 5 Yeas.**

### **CONSENT AGENDA**

#### **TO AMEND THE 2010 (INTERGOVERNMENTAL GRANT FUND) BUDGET**

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|---------------|--|
| 10-O-0473 (1) | An Ordinance by Finance/Executive Committee amending the 2010 (Intergovernmental Grant Fund) Budget by adding to Anticipations and Appropriations Funds received from the Buckhead Community Improvement District ("BCID") in the amount of two hundred forty six thousand seven hundred ninety four dollars (\$246,794.00), for the purpose of relocating utilities for the Peachtree Corridor Project; and for other purposes. |
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### **FAVORABLE ON FIRST READ**

**TO AMEND THE FY 2010 (INTERGOVERNMENTAL GRANT FUND – 2501) BUDGET**

- 10-O-0474 (2) An Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to amend the FY 2010 (Intergovernmental Grant Fund – 2501) Budget in the amount of three hundred ninety thousand dollars and no cents (\$390,000.00) by adding to Anticipations and Appropriations Funds for the Grant from the Environmental Protection Agency, (“EPA”) per the Intergovernmental Agreement with (“EPA”) for the design and construction of the McDaniel Branch Stream Restoration Project; and for other purposes.

**FAVORABLE ON FIRST READ**

**TO ENTER INTO A CONTRACTUAL AGREEMENT WITH LAZ PARKING/GEORGIA, LLC**

- 10-O-0475 (3) An Ordinance by Finance/Executive Committee authorizing the Mayor to enter into a Contractual Agreement with Laz Parking/Georgia, LLC, on behalf of the Department of Planning and Community Development, Bureau of Code Compliance, for the lease of thirty-five (35) parking spacets at 211 Trinity Avenue, S.W. for the parking of its fleet vehicles in an amount not to exceed thirty three thousand dollars and no cents (\$33,000.00) determined by the Department of Procurement to be a Special Procurement pursuant to City Code Section 2-119.1 with all contracted Services being charged to and paid from Fund Department Organization and Account Numbers 1001 (General Fund) 250302 (Department) 5223103 (Account) 7450000 (Function Activity); to ratify the provision of Parking Services provided by Laz Parking/Georgia, LLC pursuant to a License Agreement between the parties and for a period of time from 11/1/2008 until such time as the execution date of the new lease authorized pursuant hereto; to waive Code Section 2-1187 (Source Selection Provision) of the Procurement Code for the Non-Procured Lease; and for other purposes.

**FAVORABLE ON FIRST READ**

**TO WAIVE THE SUBSTANTIAL SIMILARITY REQUIREMENTS OF ARTICLE X**

- 10-O-0491 (4) An Ordinance by Finance/Executive Committee authorizing the Mayor or his Designee to waive the substantial similarity requirements of Article X (“The Procurement and Real Estate Code”) of the Atlanta City Code and authorize a Cooperative Purchasing Agreement utilizing Georgia Technology Authority Contract Number 980-280014 with Gartner, Inc. for Research and Consultant Services for one (1) year beginning April 1, 2010 and ending on March 31, 2011 on behalf of the Department of Information Technology in an amount not to exceed seventy-eight thousand dollars and no cents (\$78,000.00) all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050102 (IT Administration) 5212001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System); and for other purposes.

**FAVORABLE ON FIRST READ**

**TO WAIVE THE SOURCE SELECTION AND PAYMENT PROVISIONS**

- 10-O-0492 (5) An Ordinance by Finance/Executive Committee authorizing the Mayor or his Designee to waive the Source Selection and Payment Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior Provision of Emergency 911 Equipment and Support Services by AT&T Telecommunications for the period beginning March 21, 2008 through March 31, 2010; to authorize an Agreement with AT&T Telecommunications for Emergency 911 Support Equipment from April 1, 2010 through May 04, 2013 for an amount not to exceed eighty-six thousand, three hundred sixty-four dollars and eight cents (\$86,364.08) per month, all Funds to be charged to and paid from Fund, Department, Organization, and Account Numbers 2151 (Emergency Telephone System) 240207 (APD E-911) 5232005 (E-911 Telephone Expense) 3800000 (E-911); and for other purposes.

**FAVORABLE ON FIRST READ**

**REGULAR**

**TO AMEND THE FISCAL YEAR 2010 BUDGET**

- 10-O-0410 (1) A **Substituted** Ordinance by Finance/Executive Committee to amend the Fiscal Year 2010 Budget by adding to Anticipations and Appropriations in the amount of \_\_\_\_\_ for a donation received from \_\_\_\_\_ to \_\_\_\_\_ to fund census outreach efforts within the City of Atlanta; and for other purposes. **(Finance/Executive Committee Substitute adds the amount, the time and the Company name, 3/10/10)**

**FAVORABLE ON SUBSTITUTE**

Councilmember Willis offered a motion to **Approve on Substitute, 5 Yeas.**

**TO TRANSFER THE PROPERTY LOCATED AT 695 PONCE DE LEON AVE, N.E.**

- 10-O-0502 (2) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor to transfer the property located at 695 Ponce De Leon Ave, N.E. also known as City Hall East to the Atlanta Development Authority; to authorize the transfer of the contracts associated with the property; to authorize the Mayor to execute a Quitclaim Deed transferring the property to the Atlanta Development Authority upon the closing of the property; and for other properties.

**HELD**

Chairperson Adrean stated that this paper will be Held pending a Work Session on 3/16/10. Councilmember Moore asked for a copy of the Sale Agreement and the Appraisal.

**Mr. Peter Andrews:** Senior Assistant City Attorney addressed the Committee by stating that the information was dropped off. Chairperson Adrean asked if the information could be e-mailed as well. She then asked if additional language would be added. Senior Assistant City Attorney Andrews said it will be addressed at the next Finance/Executive Committee meeting.

**TO AUTHORIZE THE LEASE/PURCHASE OF THE ATLANTA DETENTION CENTER TO FULTON COUNTY**

10-O-0503 (3) An Ordinance by Councilmember Ivory Lee Young, Jr. authorizing the Lease/Purchase of the Atlanta Detention Center to Fulton County; authorizing the City Attorney to prepare the necessary documents to effectuate the approved terms; authorizing the Mayor to execute the necessary documents; and for other purposes.

**HELD**

Chairperson Adrean stated that we will have a Work Session on tomorrow.

**TO UTILIZE GEORGIA STATE CONTRACT #GTA000119**

10-R-0476 (1) A Resolution by Finance/Executive Committee authorizing the Chief Procurement Officer to utilize Georgia State Contract #GTA000119 to lease one (1) Bizhub 950 and one (1) Bizhub 452 copiers from Konica Minolta Business Solutions for a period of sixty (60) months, on behalf of the Department of Finance, in a total amount not to exceed one hundred forty seven thousand three hundred dollars (\$147,300.00); all costs shall be charged to and paid from 1001 (General Fund), 100201 (DOF Budget/Fiscal Policy) 1513000 (Budget) 5223202 (Operational Lease/Rental Equipment), 5051 (Water & Wastewater Revenue Fund) 100201 (DOF Budget/Fiscal Policy) 1513000 (Budget) 5223202 (Operational Lease/Rental Equipment) 5501 (Airport Revenue Fund) 100201 (DOF Budget/Fiscal Policy) 1513000 (Budget) 5223202 (Operational Lease/Rental Equipment); and for other purposes. **(Finance/Executive Committee Conditional Passage provides information regarding a purchase versus a lease, 3/10/10)**

**FAVORABLE ON CONDITION**

Acting CFO Council stated that this Resolution replaces some aging copiers that we have. We spend a lot of time getting repairmen to work on the old ones. We will get new copiers for the same price we are currently paying. Councilmember Willis asked about leasing. Is all the service included? Acting CFO Council responded; yes. Councilmember Willis asked what are they for? Acting CFO Council responded it is for the Department of Finance. Councilmember Willis asked what kind of copiers. Acting CFO Council responded one is for large productions and the other is a color copier for reports and presentations. Councilmember Willis asked what would they cost if we bought them out right. Acting CFO Council responded that he would provide the information. A lease allows a lot of flexibility. Councilmember Willis offered a motion to **Approve on Condition of receiving the requested information.** Councilmember Moore stated that we used to have a print shop. It seems that if we get that back it would save a lot of money. Acting CFO Council responded that we had a meeting with the Department of Procurement and talked about consolidation. It is important to understand that the print shop was a high production area for large jobs. Councilmember Moore stated that there may be a less expensive copier to meet your needs.

**Ms. Duriya Farooqui:** Mayor's Office Deputy Chief operating Officer addressed the Committee by stating that the challenge is that each Department has a need for a copier. The challenge of the print shop had complexities. The shop was underutilized. We want to consolidate as much as possible. Councilmember Moore stated that the underutilization of the print shop resulted because many Departments did not know it existed.

### **TO EXECUTE RENEWAL AGREEMENT NO. 1**

- 10-R-0477 (2) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Renewal Agreement No. 1 on behalf of the Executive Offices-Office of Enterprise Assets Management to enter into a Memorandum of Understanding ("MOU") with the Atlanta Workforce Development Agency (AWDA) for the purpose of continuing the Culinary Training Program in the City Hall Cafeteria, in an amount not to exceed twenty five dollars (\$25.00) monthly; all revenue received pursuant to this Memorandum of Understanding ("MOU") shall be deposited into 1001 (General Fund), Department 000002 (General Revenue Org), Account 3890003 (Food Drink & Notions), Function Activity 00000 and for other purposes.

#### **FAVORABLE**

**Ms. Deborah Lum:** Executive Director of Atlanta Workforce Development Authority addressed the Committee by stating that this paper is for the culinary training program at the City Hall Cafeteria. Councilmember Willis offered a motion to **Approve, 5 Yeas.**

### **TO RENEW THE COOPERATIVE PURCHASING AGREEMENT**

- 10-R-0478 (3) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to renew the Cooperative Purchasing Agreement made pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing the GSA Schedule GS-35F-0009T with Oracle USA Inc., for Oracle Contract #2016306, RAC Software Licenses and Support for the ERP Application, for 1 year from May 30<sup>th</sup> 2010 to May 29<sup>th</sup> 2011, on behalf of the Department of Information Technology in an amount not to exceed forty-seven thousand, five hundred forty-one dollars and fifty cents (\$47,541.50); all contracted work shall be charged to and paid from 1001 (General Fund) 050202 (IT Applications) 5410001 (Consultant/Professional Services) 1535000 (Data Processing/Management Information System); and for other purposes.

#### **FAVORABLE**

**Mr. Dan Smith:** Chief Officer of the Department of Information Technology addressed the Committee by stating that this is the Oracle RAC resources. It put applications in place for Oracle. Councilmember Wan offered a motion to **Approve, 5 Yeas.**

### **TO RENEW THE COOPERATIVE PURCHASING AGREEMENT**

- 10-R-0479 (4) A Resolution by Finance/Executive Committee authorizing the Mayor or his Designee to renew the Cooperative Purchasing Agreement made pursuant to Section 2-1601 et. seq. of the City of Atlanta Code of Ordinances, utilizing the GSA Schedule GS-35F-0009T with Oracle USA Inc., for Oracle Contract #2118646, Oracle Database Software Licenses and Support for the ERP Application, for 1 year from April 8 2010 to April 7, 2011, on behalf of the Department of Information Technology in an amount not to exceed fifty-six thousand, thirty-two dollars and thirty-five cents (\$56,032.35); all contracted work shall be charged to and paid from 1001 (General Fund) 050202 (IT Applications) 5410001 (Consultant/Professional Services) 1535000 (Data Processing/Management Information System); and for other purposes.

**FAVORABLE**

Mr. Smith stated that this is for the ERP System. Councilmember Watson offered a motion to **Approve, 5 Yeas**. Councilmember Martin asked why are the e-mails going into Spam. Mr. Smith responded that we used to use Spam under another vendor, but about three months ago we found out that they did not keep up with technology. We recognize that it started to fail. We got approval from Council to use another vendor. We are now using WebSense. The funds are in our budget. The former vendor had a problem with their product. When we discovered the problem, some of the e-mails were valid. This last Friday we replaced the older vendor, but we are going through some tweaking now.

**TO EXECUTE AMENDMENT AGREEMENT NO. 4 AND RENEWAL AGREEMENT NO. 2 FOR FC-6005007906**

10-R-0480 (5)      A **Substituted and Amended** Resolution by Finance/Executive Committee authorizing the Mayor to execute Amendment Agreement No. 4 and Renewal Agreement No. 2 for FC-6005007906, Citywide Pest Control with Orkin, Inc. on behalf of the Executive Offices-Office of Enterprise Assets Management, to include the sites and funding for the Departments listed herein in an amount not to exceed one hundred ninety-nine thousand, seven hundred eighty-eight dollars and zero cents (\$199,788.00). All contracted work shall be charged to and paid from the below Fund, Department, Account and Function Activities. **(Finance/Executive Committee adds on the additional Whereas for the 90-day extension; Finance/Executive Committee Amendment adds the Department of Watershed Management for the amount of \$25,000, 3/10/10)**

**FAVORABLE ON SUBSTITUTE**

Chairperson Adrean said that we have a Substitute.

**Ms. Myrtice Taylor:** of the Office of Enterprise Assets Management addressed the Committee by stating that this paper adds in the Whereas for the 90-day extension. There is a last renewal to this contract as well as for the inclusion of the Department of Watershed Management. Councilmember Moore asked if there is a time frame on the renewal. Ms. Taylor responded that we already have the 90 days. The amendment is the \$25,000 for Watershed Management. Councilmember Wan offered a motion to **Approve on Substitute as Amended, 6 Yeas**.

**TO ENTER INTO AN AGREEMENT WITH ORACLE USA, INC.**

10-R-0481 (6)      A Resolution by Finance/Executive Committee authorizing the Mayor to enter into an Agreement with Oracle USA, Inc., utilizing Federal GSA Contract GS-35F-0009T Service Contract No. 3795831 for Call Center CRM Application Technical Support Services, on behalf of the Department of Watershed Management, in an amount not to exceed forty-nine thousand six hundred ninety-nine dollars and ninety-four cents (\$49,699.94); all contracted work will be charged to and paid from Fund, Department Organization and Account Number 5051 (Water & Wastewater Revenue Fund) 5213001 (Consulting/Professional Services Technical) 170113 (DWM Watershed Information Systems) 1535000 (Data Processing/Management Information Systems); and for other purposes.

**FAVORABLE**

Councilmember Moore offered a motion to **Approve, 5 Yeas.**

**TO UTILIZE GSA CONTRACT #GS-07F-0468V**

10-R-0493 (7) A **Substitute** Resolution by Finance/Executive Committee authorizing the Chief Procurement Officer to utilize GSA Contract #GS-07F-0468V, to purchase a mobile command and surveillance vehicle, on behalf of the Department of Police, in an amount not to exceed two-hundred seventeen thousand, five hundred twenty-nine dollars and ninety-five cents (\$217,529.95), two-hundred thousand dollars (\$200,000) shall be charged to and paid from a Grant from the United States Department of Homeland Security; 2501 (Intergovernmental Grant Fund); 240101 (General Ledger Department; APD Chief of Police; 5421003 (Expense Account; Equipment \$5,000+); 1320000 (Function Activity Number: Chief Executive; 110200 (General Ledger Project: 2006 Urban Area Security Initiative); 31811 (General Ledger Funding Source: 2006 Urban Area Security Initiative) and seventeen thousand, five-hundred twenty-nine dollars and ninety-five cents (\$17,529.95) shall be charged to and paid from 7701 (Trust Fund) ; 240101 (General Ledger Department: APD Chief of Police); 5421003 (Expense Account; Equipment \$5,000+); 1320000 (Function Activity Number: Chief Executive); 600234 (Federal-RICO); 69999 (Funding Source for Non-Capital Trust Projects), and for other purposes. **(Finance/Executive Committee Substitute..., 3/10/10)**

**FAVORABLE ON SUBSTITUTE**

Chairperson Adrean stated that we have a Substitute.

**Deputy Chief Jones:** addressed the Committee by stating that the grant will cover the entire requested amount and the \$7,000 will not need to come from the Fund amounts initially submitted in the original paper. Chairperson Adrean offered a motion to **Approve on Substitute, 5 Yeas.**

**TO SUBMIT THE CITY OF ATLANTA RETIREMENT REVIEW – PHASES II & III PLAN DESIGN AND FINANCIAL IMPACT REPORT**

10-C-0056 (1) A Communication by Mayor Shirley Franklin submitting the City of Atlanta Retirement Review – Phases II & III Plan Design and Financial Impact Report. **(Held, 1/13/10)**

**HELD**

**TO SUBMIT THE PERFORMANCE AUDIT FOR CITY HALL EAST SALE AND PUBLIC SAFETY FACILITIES CONSTRUCTION REPORT**

10-C-0148 (2) A Communication from City Auditor Leslie Ward submitting the Performance Audit for City Hall East Sale and Public Safety Facilities Construction Report. **(Held, 1/27/10)**

**FILE**

Ms. Ward stated that a forensic audit would go into the details. It would require the expenditure of several hundred thousand dollars. She is not sure if the answers could be done by Audit, but maybe a legal investigation. The Change Orders totaled \$6.7 million dollars. We did find some exceptions of the approval of the Change Orders. We found some for the back-up information as well. We looked at whether the entire



payment was a reasonable cost. The list of things is located on page #2. It is doubtful to get a cost recovery. It would have to have legal support. We had to conclude that there was little justification for recovery. Councilmember Moore offered a motion to File. Councilmember Martin stated that we don't know the significance attached to the comments regarding documents being lost. There was not back-up data before the request was made. The Change Orders totaled \$6.7 million dollars and back-up information was missing. Do you call it sloppy work? Ms. Ward responded for the most part, yes. We don't have the details. Ms. Ward responded that we looked to see if the back-up information was detailed to see if it was reasonable. It included some contractor's invoices. Yes, there was missing back-up information for both contractors, but it was a small proportion. We don't examine each piece of documentation. The question is if we could recover enough to justify. Councilmember Martin asked about the concern about the \$46 million dollars deficit, \$11 million dollars of unspecified movements from the General Fund. Ms. Ward responded that they are City transactions. That is an internal investigation and does not need forensic or construction audits. We know that the Change Orders were executed by the Mayor's Office. If you want to interview and prosecute that is not an audit. She is not sure what a forensic auditor can add to that. Councilmember Willis asked if there were any activities deemed to be of an illegal nature. Chairperson Adrean asked if there is some action that was done with the Wachovia transaction. Councilmember Martin stated that he is not sure if the Department of Law can justify information without conflict because they advised Dave Edwards on what to do. Senior Assistant City Attorney Andrews responded that he is addressing contracts without formal approval. It all has been turned over to Senior Assistant City Attorney Jeffrey Norman. He advises a lot of people. Mr. Norman is looking into the issues. He is the Compliance Attorney. Councilmember Willis stated that it is an attempt, but it is difficult to do. The Compliance Attorney directly reports to the Administration. We make requests and demands, but they don't have the pressure of worrying about being terminated. It is important to look at outside attorneys. The process does not allow for the independent attorney. Councilmember Moore stated that she heard that the Internal Auditor has determined that things were done without proper authorization from Council. The Law Department says that the Compliance Attorney will come to the conclusion if the City wants to prosecute. If that is what we want, we need to move forward with it. She ventures to think that the Public Safety building is one of the items that shows that Council has been circumvented. Councilmember Watson stated that he agrees with what has been said. Are we expecting a recommendation from Senior Assistant City Attorney Norman regarding the recourse to take? Senior Assistant City Attorney Andrews responded that he would get Senior Assistant City Attorney Norman to give a time frame. He will ask him to look into the recommendations. Councilmember Watson stated that is not all he is interested in. Senior Assistant City Attorney Andrews responded that he would have Senior Assistant City Attorney Norman to contact him. Councilmember Willis stated that legislation was introduced regarding lies to Council. Anyone can come and lie to Council and keep their job. When these things happen, there should be consequences. There is an attempt not to give Council certain information. As Council we have to take a stand. What we see happening is people are always saying that Council authorized it. It has to stop. We have to say that there will be repercussions. Councilmember Martin stated that nothing was approved to allow him to go to the bank. Ms. Ward responded that the project relied on Wachovia Bank and both were approved by Council. It was about 25 pieces of legislation attached to the Public Safety building. What did not happen is that the accounts were not reported on the books. It was between the bank and the Mayor's Office. We recommend in the future more transparency. Councilmember Martin stated that in order to get information regarding the bank, you had to go to the bank. Ms. Ward responded that we did have difficulty with the reconciliations. Councilmember Martin stated that he asked if Mr. Edwards lied about the Capital Finance Account. Ms. Ward responded that there was a loan for \$11 million dollars from the Capital Finance Account. Councilmember Martin stated that he was led to believe the account had a deficit. Ms. Ward responded that there was an \$11 million dollars loan from the Capital Finance Account from the proceeds of the sale of City Hall East. Mr. Edwards and former CFO Glass relayed payments to the contractor for Change Orders and some other amounts

owed to the contractor. Former CFO Glass stated that he understood that the work was done and the money was owed to the contractor. We questioned that it was not billed to the contractor. We raised that question why the whole amount was issued to the contractor. Chairperson Adrean stated that we have already had a Work Session regarding this. We can File or Hold the paper until we hear from Senior Assistant City Attorney Norman. Councilmember Martin offered a substitute motion to Hold the paper to hear from Senior Assistant City Attorney Norman. Councilmember Wan stated that he is prepared to File the paper because when the report comes back we can take additional action. The Audit is done and the follow up has been completed. Councilmember Martin stated that his motion still stands to **Hold, 2 Yeas, 4 Nays**. He reiterated the motion to **File, 3 Yeas, 2 Nays**. Councilmember Watson stated that he does not want to lose track of it. Councilmember Moore stated that on the next Agenda we can ask Senior Assistant City Attorney Norman to come here. Councilmember Martin stated that Senior Assistant City Attorney Norman will not respond until the investigation is completed. At one instance you said get tough, but we are showing weakness. What is the clear message? Ms. Ward responded that we have had discussions on several audits to see that we looked at every aspect. We talked to everyone we needed to talk to. She will follow up on their recommendations. There was no brain work or comprehensive management of the project. It was made up as we went along. Councilmember Martin asked about the investigation process. Ms. Ward responded if the Council wants to have greater investigative powers, you can change the audit function into an inspective function. The final vote is to **File, 3 Yeas, 2 Nays**. Chairperson Adrean stated that there will be language put in place to prevent this from happening again. She asked for Ms. Ward to give controls that would prevent this from happening again. Although we are filing this paper, we are not forgetting about it. Councilmember Wan stated that he would work with Councilmembers Willis and Moore on legislation to take action when something like this happens.

#### **TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT**

10-R-0172 (3) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to §2-1606 of the City of Atlanta Code of Ordinances, with IBM Corporation, Inc. in an amount not to exceed \$153,217.67 over a three year period; to be charged to and paid from FDOA 5501 (Airport Revenue Fund), Department 180107 (Department of Aviation, Aviation Information Services), Expenditure 5213001 (Consultant Professional Services) Technical, Functional Activity 7563000 (Airport) (\$106,928.34) 0000 (Default) 00000000 (Default) 00000000 (Default) and from Fund 5502 (Airport Renewal and Extension Fund), Department 180107 (Department of Aviation, Aviation Information Services), Expenditure 5213001 (Consultant Professional Services) Technical Functional Activity 7563000 (Airport) (\$46,289.33) 0000 (Default) 00000000 (Default) 00000000 (Default); and for other purposes). **(Held, 1/27/10)**

**HELD**

#### **TO AUTHORIZE A PAY FOR PERFORMANCE PAYMENT**

10-O-0308 (4) An Ordinance by Councilmembers C.T. Martin, Aaron Watson and Michael Julian Bond to authorize a Pay For Performance Payment to all City Employees covered under the General Employee Salary Schedule that receive a rating of Effective or Better for FY 2010; and for other purposes. **(Held, 2/10/10)**

**HELD**

**TO EXTEND THE SERVICE DELIVERY STRATEGY (SDS)**

- 10-R-0333 (5) A Resolution by Finance/Executive Committee extending the Service Delivery Strategy (SDS) between the City of Atlanta and DeKalb County through June 30, 2010; and for other purposes. **(Held, 2/24/10)**

**FAVORABLE**

Senior Assistant City Attorney Andrews stated that this allows us to extend the Service Delivery Strategy with DeKalb County. Councilmember Wan asked why was the paper Held. Senior Assistant City Attorney Andrews responded for additional information. Councilmember Wan offered a motion to **Approve, 5 Yeas.**

**TO PROVIDE FOR THE ANNEXATION OF PROPERTY LOCATED AT 1199 ROXBORO DRIVE**

- 10-O-0393 (6) An Ordinance by Councilmember Howard Shook to provide for the annexation of property located at 1199 Roxboro Drive to the corporate limits of the City of Atlanta, Georgia pursuant to the 100% method; to authorize the Law Department to seek preclearance from the United States Department of Justice and to notify for Georgia Department of Community Affairs of such annexation; and for other purposes. **(Held, 2/24/10)**

**HELD**

**TO GRANT AMNESTY ON LATE FEES, PENALTIES AND INTEREST**

- 10-O-0401 (7) An Ordinance by Councilmember C.T. Martin to grant amnesty on late fees, penalties and interest for unpaid parking tickets; to provide that no additional fees, penalties or interest shall be assessed against the obligor for late payments; to repeal conflicting Ordinances; and for other purposes. **(Held, 2/24/10)**

**HELD**

**ITEMS NOT ON AGENDA**

Chairperson Adrean stated that we have two Work Sessions scheduled. There is one on tomorrow regarding the Sale of the Jail and the Quit Claim Deed of City Hall East and the other is the Pension Funds with Segal and Company on 3/16/10. Councilmember Martin stated that one of our concerns was that there was not a general discussion about what was in the Audit. There was information shared that the County Commissioners would take a vote on. The first paper did not take into consideration if it was real estate deal. They went into an Executive Session last evening. We made it clear that we were not speaking for Council. We asked for a report. Councilmember Moore stated that she wants to see the information before the Work Session. Councilmember Martin stated that the information versus what was said here and what has been documented. He did an e-mail asking a lot of questions that we had concerns about. Would there be a balloon note at the end?

**Mayor Kasim Reed:** addressed the Committee by stating that the Sales Tax legislation at the Capitol that he is aware of is the legislation that was passed for one penny in 2012. Governor Purdue is taking up all of his energy with the Budget. There is a Bill that he feels good about regarding Transportation, which is a 1% Sales Tax voted on by a Referendum. Governor Purdue has modified the legislation from eight years to ten years. The TSPLOST approach would have about \$8 or \$9 billion dollars collected in eight years and \$10 billion dollars collected in ten years. There have been concerns

regarding MARTA. There has been no Capital Funding and they can use the funds for operations. They can access all of its dollars now. The Referendum will occur in 2012. It is really a 2014 date. We want the Governor to give a rolling period for no longer than 2012. The TSPLOST impacts the MOST. With one penny we would be at nine cents. Next year we will be at 7% and if the TSPLOST passes we would be at 8%. We are working to make sure that Atlanta's interest is passed regarding the TSPLOST. Councilmember Moore stated that Atlanta/DeKalb already pay one cent for MARTA. Mayor Reed responded that is a 20 year agreement that the City and DeKalb County has. Councilmember Moore stated that there are discussions if it is regional or statewide. Mayor Reed responded that we want to make sure that MARTA projects are covered. We made a 20 year commitment to MARTA for the one penny. The 7% is solid, it has not been moved. We have not come up with a solution for Atlanta/DeKalb who has funded \$20 billion dollars in capital costs. Any Bill will be reviewed by Council and the Administration. If the Bill is passed this Session, voters will vote on it in 2012. If he or Council opposes the Referendum, it would not pass. Chairperson Adrean asked if there have been conversations with Atlanta Public Schools. They do not agree because they need to build a new high school so they are fighting for the penny. Mayor Reed responded that he has not had conversations with them. We need to watch the TSPLOST play out. Once we know if we have it, he will discuss it with APS. He does not see the need now. Councilmember Martin stated that this morning MARTA was here at the Transportation Committee and spoke about their financial problems. We discussed getting them some more partners as to not cut a lot of service. The future of MARTA is in the Governor's hands. The community feels that we should be active in making sure that MARTA is saved. We spoke about the ridership and the usage. The highest users of MARTA are low income residents. Mayor Reed responded that he has shown commitment to MARTA from his actions. He has changed the funding formula. If they don't get the 50/50 it would be catastrophic. He has been flexible. If not the 50/50 it would have an \$80 million dollars deficit. The 36 months has been the best that MARTA has ever gotten. There have been no strings attached. The Senate has passed the MARTA change. They can not survive without the 36 months. The Governor changed his position with MARTA. Without the modifications, the cuts you are seeing now are nothing. Councilmember Martin stated that pressure is being put on us about being more involved. He wants Council to know what is going on. The negotiations are occurring and are delicate. He cares about MARTA passionately.

**Brother Mohammad:** addressed the Committee by stating that he is a citizen that pays taxes. It is not fair to have Councilmembers leave when citizens speak. It is very unprofessional. He has always worked in his community. Over the years he never would have thought that Council would not approve things for the communities. He watches the decisions that the Council makes. He was part of the rally with citizens regarding Cory Ward, who was killed by an Atlanta Police Officer. The Council should look at the pot holes on the Southside. He stays on a street that is not paved.

**Mr. Dave Walker:** addressed the Committee by stating that the General Manager was down on the count and you should have stopped the count. MARTA has always been a troubled agency. The GRTA was created to overrule MARTA because they failed.

**ADJOURNMENT**

Having no further business before the Committee, the meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Roosevelt Council, Acting CFO

Charlene Parker  
Recording Secretary

***“The Department of Finance... because customer service is important to us.”***